

Milwaukee County Circuit Court Local Rules Revision Project

Summary of Significant Changes to General Local Rules and Civil Division Rules

June 17, 2008

- ☐ The Business Court rules are repealed.
- ☐ Rule 1.15 requires parties to consult in person with the other side in a good-faith attempt to resolve motions before they are filed. An exception is made for dispositive motions.
- ☐ Rule 1.16 clarifies the requirements of the “five-day” rule and requires that an objection to an order submitted under the five-day rule be accompanied by a counter-order that satisfies the objection.
- ☐ Rule 3.16 prescribes particular form affidavits regarding service of the summons and complaint. Given the volume of default judgment motions the court must review, the purpose of the rule is to make the review process more efficient through uniformity.
- ☐ Rules 3.11, 3.13, 3.14 and 3.15 govern the briefing of various kinds of motions, including motions that were not previously addressed by the local rules. In general, the revised rules tend to impose shorter page limits and longer intervals between filing deadlines and the hearing on the motion
- ☐ Rule 3.15, governing summary judgment motions, emulates federal local rules requiring that parties spell out the facts clearly enough for the court to determine efficiently whether material facts are in dispute, but the rules are not intended to create the extensive papering and motion practice that has built up around federal local rules.
- ☐ Rule 3.6 imposes a limit of 250 pages on exhibits attached to affidavits, unless permission to exceed the limit is obtained in advance from the court
- ☐ Rule 3.9 simplifies the protocol for payment of the jury fee and provides that if one party pays, any party may request a jury trial, but if no party pays, the right to a jury trial is waived by all parties.

- ☐ Rule 3.27 creates a presumptive right for an attorney to appear for scheduling matters by telephone if the attorney's office is located outside Milwaukee County.
- ☐ Rule 3.29, regarding minor settlements, states the court's presumption that the attorney's fee will not exceed 25% of the settlement unless extraordinary circumstances justify a larger fee. It also requires that the guardian ad litem confirm in writing after the hearing that settlement funds have been deposited or invested as provided in the court's order.
- ☐ Rule 1.9 specifies the format of documents acceptable for filing. The rule maintains certain current requirement, such as that all documents be 2-hole punched. The rule also requires that all documents state the electronic mail address of the person signing the document, and prohibits documents from being bound other than at the top left-hand corner.
- ☐ Rule 1.14 requires that a party obtain a hearing date before filing a motion and states that motions filed without hearing dates will not be heard
- ☐ Rule 3.24 requires that copies of learned treatises that are served on opposing parties before trial shall be filed with the court only if the document is offered in evidence at trial or if the right to offer the document is contested before trial.
- ☐ Rule 1.7 limits the hours during which cases may be heard. Except with permission of the Chief Judge, cases may not be heard after 5:00 p.m.